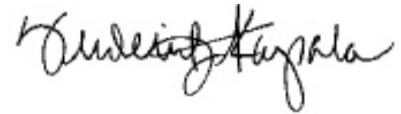


## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	FREDERICK J. KAPALA	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 50064	DATE	May 2, 2008
CASE TITLE	Eric Ware (#R-32516) vs. Guy Pierce, et al.		

## DOCKET ENTRY TEXT:

The plaintiff's motion to alter or amend judgment [#7] is denied. The court remains satisfied that the plaintiff has "struck out" pursuant to 28 U.S.C. § 1915(g). Failure to pay the \$350 filing fee within fifteen days will result in summary dismissal of this case. See N.D. Ill. Local Rule 3.3(e).



■ [For further details see text below.]

Docketing to mail notices.

## STATEMENT

The plaintiff, a state prisoner, has brought this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. The plaintiff claims that the defendants, officials at the Dixon Correctional Center, have violated the plaintiff's constitutional rights by denying him access to the courts. By Minute Order of April 22, 2008, the court denied the plaintiff leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(g). This matter is before the court for consideration of the plaintiff's motion "to alter or amend judgment."

The motion is denied. Final judgment has not yet been entered in this case. To the extent that the plaintiff seeks reconsideration of the court's Minute Order of April 22, 2008, the motion is denied.

The court has confirmed that at least three claims filed by Mr. Ware while incarcerated have been dismissed in this district on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted. See, e.g., *Ware v. Bank One*, Case No. 07 C 3964, dismissed by Minute Order of July 25, 2007 (Kocoras, J.); *Ware v. Chicago Police Dept.*, Case No. 07 C 6645, Minute Order of March 5, 2008 (Holderman, J.) (assessing two "strikes" in one case pursuant to *George v. Smith*, 507 F.3d 605, 607-08 (7<sup>th</sup> Cir. 2007).

Judge Holderman has specifically considered and rejected the plaintiff's claim that he should not have been assessed two strikes in one case. See Case No. 07 C 6645, Minute Order of April 22, 2008. Accordingly, this court remains satisfied that the plaintiff has "struck out" pursuant to 28 U.S.C. § 1915(g).

(CONTINUED)

mjm

**STATEMENT**

For the foregoing reasons, the plaintiff's motion to alter or amend judgment is denied. On the court's own motion, the plaintiff is granted an additional fifteen days to pay the full statutory filing fee. If the plaintiff fails to pay the \$350 filing fee within fifteen days, the court will enter judgment dismissing this case in its entirety. *See* N.D. Ill. Local Rule 3.3(e).